### MINIMUM STANDARDS

### **FOR**

## LICENSED PRIVATE CHILD-PLACING AGENCIES

22 VAC 40-130-10 et seq

Effective: August 1989

VIRGINIA DEPARTMENT OF SOCIAL SERVICES DIVISION OF LICENSING PROGRAMS 730 EAST BROAD STREET RICHMOND, VIRGINIA 23219

### 22 VAC 40-130-10 et seq.

### TABLE OF CONTENTS

	Pag	ţе
PART I	INTRODUCTION.  Definitions1 -	2
22 VAC40-130-10	Definitions	J
22 VAC40-130-20	Legal Base	3
PART II -	ORGANIZATION & ADMINISTRATION.	_
22 VAC40-130-13	Sponsorship4 -	5
22 VAC40-130-40	Maintaining Standards	5
22 VAC40-13()-50	Financing Plan	5
22 VAC40-13()-60	Process6 -	7
22 VAC40-13()-70	Ratio	6
22 VAC40-130-80	Audit	6
22 VAC40-130-90	Copies of Report	
22 VAC40-130-100	Agency Setting	
22 VAC40-130-110	Office Conditions6 -	7
22 VAC40-130-120	Posting of License	7
22 VAC40-13()-130	Caseload Numbers and Licensed Capacity	7
22 VAC40-13()-140	Conflict of Interest7 -	8
22 VAC40-130-150	Deceptive Representation of Advertisement	8
22 VAC40-130-160	Corporal Punishment	8

### 22 VAC 40-130-10 et seq.

# TABLE OF CONTENTS

Page 2

		Page
PART III - 22 VAC40-130-170	PERSONNEL.  Job Description	8
	Personnel Records	
22 VAC40-130-180	Personnel Records	
22 VAC40-130-190	Staff Composition & Qualifications	9 - 12
	•	
PART IV -	FOSTER CARE SERVICES.	12 14
22 VAC40-130-200	Program Statement	13 - 14
22 VAC40-130-210	Intake	14 - 20
22 VAC40-130-220	Ongoing Services.	20 - 22
22 VAC40-130-230	Narratives, Quarterly Summaries and Service Plans	
22 VAC-10-130 230	in the Child's Record.	22 - 23
22 VAC40-130-240	Termination of Care	23
22 VAC40-130-250	Permanent Foster Care	24
		. *
22 VAC40-130-260	Independent Living Arrangement	24
22 VAC40-130-270	The Foster Family	24 - 30
22 VAC40-130-280	Foster Care Records	30 - 32
PART V -	ADOPTION SERVICES	
22 VAC40-130-290	Program Statement	33
22 VAC40-130-300	Intake	33 - 35

### 22 VAC 40-130-10 et seq.

# $\frac{\text{TABLE OF CONTENTS}}{\text{Page 3}}$

	Page
PART V - 22 VAC40-130-310	
22 VAC40-130-320	Items to be Considered When Selecting an Adoptive Home 37 - 38
22 VAC40-130-330	Direct Placement in Adoptive Home
22 VAC40-130-340	Placement of Children Over One Year
22 VAC40-130-350	Agency Responsibility After Child is Placed in the Adoptive Home
22 VAC40-130-360	Provisions for Children With Special Needs
22 VAC40-130-370	Involuntary Termination of Parental Rights 40
22 VAC40-130-380	Interlocutory Orders
22 VAC40-130-390	Agency Fees
22 VAC40-130-400	The Adoptive Home Study41 - 46
PART VI - 22 VAC40-130-430	INTERSTATE PLACEMENTS. Interstate Compacts
22 VAC40-130-440	Procedures 47
22 VAC40-130-450	Out-of-State Child
PART VII - 22 VAC40-130-460	REPORTS. General
22 VAC40-130-470	Death of a Child

### 22 VAC 40-130-10 et seq.

# $\frac{\text{TABLE OF CONTENTS}}{\text{Page 4}}$

		<u>Page</u>
PART VII -	REPORTS. (CON'T.)	
22 VAC40-130-480	Abuse or Neglect, or Both	48
	CASE RECORD REQUIREMENTS.	
22 VAC40-130-490	Inspection	49
22 VAC40-130-500	Storage	49
22 VAC40-130-510	Confidentiality	49
22 VAC40-130-520	Entries in Case Records	49
22 VAC40-130-530	Evidence of Compliance.	49 – 50
22 VAC40-130-540	Retention of Records	50
22 VAC40-130-550	Disclosure of Information	50
FORMS – Applicati	on for License for Private Child Placing Agencies	51

#### CHAPTER 130.

#### MINIMUM STANDARDS FOR LICENSED PRIVATE CHILD PLACING AGENCIES.

Introduction.
Organization and Administration.
Personnel.
Foster Care Services.
Adoption Services.
Interstate Placements.
Reports.
Case Record Requirements.

#### PART I.

#### Introduction.

22 VAC 40-130-10. Definitions. 22 VAC 40-130-20. Legal base.

#### 22 VAC 40-130-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context indicates otherwise:

"Adoptive home" means any family home selected and approved by a parent, local board of public welfare or social services, or a licensed child placing agency for the placement of a child with the intent of adoption.

"Casework" means both direct treatment with an individual or several individuals, and intervention in the situation on the client's behalf. The objectives of casework include: meeting the client's needs, helping the client deal with the problem with which he is confronted, strengthening the client's capacity to function productively, lessening distress, and enhancing opportunities and capacities for fulfillment.

"Child" means any individual under 18 years of age.

"Child-placing agency" means any individual or agency licensed to place children in foster homes, adoptive homes, child-caring institutions or independent living arrangements. Local departments of social services are child-placing agencies also.

"Commissioner" means the Commissioner of the Virginia Department of Social Services.

"Complaint" means an accusation received either orally or in writing that:

A licensed child placing agency is not in compliance with one or more of these standards or one or more statutory requirements; or

An agency foster or adoptive home is not in compliance with one or more applicable requirements of this chapter; or

A child placed in a home or institution by a child-placing agency is being abused or neglected.

"Corporal punishment" means the inflicting of pain or discomfort. Prohibited actions include but are not limited to hitting with any part of the body or with an implement, pinching, pulling, shaking, binding a child, forcing him to assume an uncomfortable position, or locking him in a room or closet.

The prohibition is in effect whether punishment is spontaneous or a deliberate technique for effecting behavioral change or part of a behavior management program.

"Department" means the Virginia Department of Social Services.

"Foster care" means the provision of substitute care and supervision, for a child committed or entrusted to a child welfare agency or one for whom the agency has accepted supervision. The child may be placed in a foster or adoptive home, group home, residential facility, institution or independent living arrangement.

"Foster home" means the place of residence of any individual or individuals in which any child, other than a child by birth or adoption, resides as a member of the household.

"Independent living arrangement" means the placing of a youth at least 16 years of age, whose custody is held by the child-placing agency or a local department of social services, in a living arrangement in which there is no daily parental supervision.

"Interstate placement" means the placing of a child outside the Commonwealth by a Virginia agency or the placing of a child in Virginia by an individual or agency outside the Commonwealth pursuant to the "Interstate Compact on the Placement of Children," Chapter 10 (§ 62.1-219 et seq.) of Title 63.1 and §§ 63.1-207 and 63.1-207.1 of the Code of Virginia.

"Licensee" means any individual, association, partnership or corporation to whom the license is issued.

"Licensing representative" means an employee or officially designated agent of the Department of Social Services, acting as the authorized agent of the Commissioner in carrying out the responsibilities and duties specified in Chapter 10 (§ 63.1-195 et seq.) of Title 63.1 of the Code of Virginia.

"Permanent foster care" means the placement of a child in a foster home where he is expected to stay until he is aged 18. Both the placement and a removal, if any, must be approved by the court. Under certain circumstances, the youth may stay in permanent foster care beyond age 18 but not beyond age 21.

"State Board" means the State Board of Social Services.

#### 22 VAC 40-130-20. Legal base.

Sections 63.1-196 and 63.1-202 of the Code of Virginia set forth the responsibility of the Department of Social Services for licensure of child-placing agencies. It includes the authority and responsibility of the State Board of Social Services for the development of standards and requirements for the activities, services and facilities of the agency regarding children or other persons within its custody or control.

It is a misdemeanor to operate a child-placing agency without a license.

#### PART II.

### Organization and Administration.

22 VAC 40-130-30.	Sponsorship.
22 VAC 40-130-40.	Maintaining standards.
22 VAC 40-130-50.	Financing plan.
22 VAC 40-130-60.	Process.
22 VAC 40-130-70.	Ratio.
22 VAC 40-130-80.	Audit.
22 VAC 40-130-90.	Copies of report.
22 VAC 40-130-100.	Agency setting.
22 VAC 40-130-110.	Office conditions.
22 VAC 40-130-120.	Posting of license.
22 VAC 40-130-130.	Caseload numbers and licensed capacity.
22 VAC 40-130-140.	Conflict of interest.
22 VAC 40-130-150.	Deceptive representation of advertisement.
22 VAC 40-130-160.	Corporal punishment.

### 22 VAC 40-130-30. Sponsorship.

Each agency shall have a clearly identified sponsor. An individual, partnership, association, or corporation, may operate a child placing agency.

- 1. When an agency is sponsored by an individual, the individual is the licensee.
- 2. When an agency is sponsored by a partnership, the partnership shall serve as the licensee and have a written agreement (articles of partnership) which allows operation and maintenance of a child-placing agency.
- 3. When an agency is sponsored by an unincorporated association, the association shall have:
  - a. A governing board which serves as a licensee; and
- b. A written constitution or by-laws which includes the operation and maintenance of a child-placing agency.

- 4. When an agency is sponsored by a corporation, it shall have:
  - a. A governing board which serves as the licensee;
- b. A certificate of corporate status issued by the State Corporation Commission or, for corporations based out-of-state, a certificate of authority to transact business in the Commonwealth; and
- c. A charter which specifies that the purpose of the corporation includes the operation of a child-placing agency.

#### 22 VAC 40-130-40. Maintaining standards.

The licensee shall be responsible for meeting and maintaining these standards and for complying with other relevant federal, state and local laws and regulations.

#### 22 VAC 40-130-50. Financing plan.

The applicant for a license shall have a plan of financing which provides evidence of income and other financial resources that will ensure operation in compliance with this chapter for a period of 12 months.

#### 22 VAC 40-130-60. Process.

The plan of financing shall be provided to the licensing representative with the initial application and with each renewal.

#### A. Initial applications shall include:

- 1. A balance sheet showing current assets and liabilities; and
- 2. The agency's projected budget detailing the expected income and expenses for the year.
  - B. Renewal applications shall include:
- 1. A statement for the last complete fiscal year showing actual income and expenditures;
  - 2. A balance sheet showing current assets and liabilities;

- 3. A budget detailing income and expenses:
- a. For the current fiscal year if the agency is less than six months into its current year; or
- b. For the next fiscal year if the agency is more than six months into its current year.

NOTE: If the agency is more than three months into its current fiscal year, the latest quarterly statement of income and expenditures is requested. This applies to both 3 a and 3 b.

#### 22 VAC 40-130-70. Ratio.

The agency shall maintain a ratio of assets to liabilities of at least one.

#### 22 VAC 40-130-80. Audit.

Financial records shall be audited annually by a certified public accountant not associated with the agency.

#### 22 VAC 40-130-90. Copies of report.

A copy of the most recent auditor's report shall accompany the application for license renewal.

#### 22 VAC 40-130-100. Agency setting.

The agency shall maintain an office within Virginia from which the child placing activities are carried out.

### 22 VAC 40-130-110. Office conditions.

The agency shall provide office space, equipment and supplies to ensure:

- 1. Confidentiality and safekeeping of records;
- 2. Privacy for interviewing and conferences; and
- 3. Availability of visiting rooms for families and children.

NOTE: Rooms and offices may serve multiple functions.

#### 22 VAC 40-130-120. Posting of license.

The current license shall be posted in a conspicuous place near the entrance of the agency.

If the agency has branch offices, copies of the license shall be posted in the same manner in each location.

### 22 VAC 40-130-130. Caseload numbers and licensed capacity.

- A. Total agency capacity shall be the sum of the following:
- 1. A maximum of 25 children for a full-time child-placing staff person;
- 2. A maximum of 10 children for a beginning trainee;

This may be increased to 15 by the end of the first year and 20 by the end of the second year by which time he will qualify as a caseworker.

The agency shall have a training program for trainees during the two years. It shall have its own list of topics to be covered.

- 3. A maximum of five children for each student intern.
  - B. Children to be counted in the agency caseload are:
- 1. Children in agency custody including children for whom an interlocutory order has been entered who are still awaiting a final order; and
- 2. Children not in the custody of the agency, but who are being supervised in a foster or adoptive home, group home, institution, or independent living arrangement for another agency or individual.

#### 22 VAC 40-130-140. Conflict of interest.

A. No applicant for or recipient of adoptive services shall serve as an agency board member before the final order for the adoption is entered.

- B. No biological parent of a child currently placed by the agency may serve as a board member of the agency.
  - C. No foster home applicant shall serve as a board member of the child-placing agency.
- D. No board member who is a foster parent for the agency shall vote on a foster care policy issue.
- E. Staff members of an agency may not receive services as foster parents of the agency for which they work.
- F. Board members and agency staff who wish to apply to adopt shall be referred to another child-placing agency.

## 22 VAC 40-130-150. Deceptive representation of advertisement.

No child-placing agency shall disseminate, or cause directly or indirectly to be disseminated, statements regarding services which are untrue, deceptive or misleading.

## 22 VAC 40-130-160. Corporal punishment.

Staff members of an agency may not use corporal punishment with children in agency care nor give permission to others to do so.

#### PART III.

#### Personnel.

22 VAC 40-130-170. Job description.

22 VAC 40-130-180. Personnel records.

22 VAC 40-130-190. Staff composition and qualifications.

### 22 VAC 40-130-170. Job description.

- A. The agency shall have a written description of the duties and responsibilities for each staff classification in its program.
- B. A copy of each description shall be given to the licensing representative at the time of the initial application and when descriptions are changed.

#### 22 VAC 40-130-180. Personnel records.

A separate personnel record shall be maintained for each employee. The record shall contain:

- 1. The application for employment or resume;
- 2. A list of educational credentials and relevant work experience, giving dates, places and details substantiating qualifications required by this chapter;
  - 3. At least two written references or record of interviews with references;
  - 4. Annual performance evaluations;
  - 5. Copies of professional licensure, when licensure is required by law; and
  - 6. The criminal record certificate as required by § 63.1-198.1 of the Code of Virginia.

#### 22 VAC 40-130-190. Staff composition and qualifications.

- A. A staff member shall be designated to perform each function described in this chapter. This does not limit the agency to the use of the job titles in this chapter.
- B. When a staff person serves multiple functions within the agency, he shall meet the qualifications for each position held.
  - C. Executive director.
- 1. The licensee shall appoint an executive director to whom responsibility for the administration of the agency has been delegated in writing. An individual licensee may be the executive director.
- 2. The executive director is responsible to the licensee for the administration of the agency, including implementation of all agency policies, procedures, and financial management.
- 3. The executive director shall have a doctor's or master's degree plus three years of experience in a social service agency or program including one year in an administrative, supervisory or consultative capacity.

- 4. The executive director shall appoint a staff member to serve in his absence. He shall provide the department with a written statement of the duties and authority of his designated substitute at the time of application and renewal.
- 5. When the executive director does not have a doctor's or master's degree in social work from a college or university accredited by the Council on Social Work Education, he shall employ a director or supervisor of social services.
  - D. Director or supervisor of social services.
  - . 1. The director or supervisor of social services shall:
    - a. Supervise directly or through others all child-placing staff and activities; and
- b. Assist the executive director and governing body in the formulation and implementation of the agency's policies and programs related to child-placing.
- 2. The director or supervisor of social services shall have a doctor's or master's degree in social work from a college or university accredited by the Council on Social Work Education, plus three years of experience in providing casework services to children and their families including one year as an administrator or supervisor of casework services.
  - E. Child-placing supervisor.
- 1. When an agency employs six or more child-placing staff persons, the agency shall employ a child-placing supervisor.
  - 2. The supervisor shall:
    - a. Be responsible for direct supervision of child-placing staff, but
    - b. May not supervise more than eight child-placing staff members.
  - 3. The supervisor shall have:
- a. A doctor's or master's degree in social work from a college or university accredited by the Council on Social Work Education plus two years of experience in providing casework services to children and families; or

- b. A baccalaureate degree plus four years of experience in providing casework services to children and families.
  - F. Case worker.
  - 1. Responsibilities of case worker include:
    - a. Interviewing children and families;
    - b. Conducting home studies;
    - c. Preparing and carrying out social plans with children and families;
- d. Preparatory counseling with children and families for placement or discharge, or both;
- e. Supervising children in foster or adoptive homes, group homes, institutions or independent living arrangements; and
  - f. Preparing and maintaining case records.
  - 2. The case worker shall have:
- a. A doctor's or master's degree in social work from a college or university accredited by the Council on Social Work Education or a field related to social work such as sociology, psychology, education or counseling, with a student placement in providing casework services to children and families. One year of experience in providing casework services to children and families may be substituted for a student placement; or
- b. A baccalaureate degree in social work or a field related to social work including sociology, psychology, education or counseling and one year of experience in providing casework services to children and families; or
- c. A baccalaureate degree in any field plus two years experience in providing casework services to children and families.
- 3. Case worker trainee. When an agency employs a casework trainee, all of the following conditions shall be met:
  - a. The trainee shall have a baccalaureate degree;

- b. The director or supervisor of social services or a supervisor of child-placing shall directly supervise the trainee; and
  - c. Placement decisions made by the trainee shall be approved by the supervisor.
- G. Consultants. All consultants engaged to provide services to the agency or to families and children served by the agency shall be qualified according to the requirements of the Code of Virginia governing professions.

#### H. Volunteers.

- 1. The agency shall, if it makes use of volunteers, have a written plan for their selection, orientation, training and assignment.
- 2. When a volunteer is used to perform any staff function or responsibility, the volunteer shall meet the qualifications for the position.
- 3. The agency shall not be wholly dependent upon the use of volunteers to ensure the provision of services.
  - 4. Staff who usually supervise or perform the assigned tasks shall supervise volunteers.
  - I. Students or interns receiving professional training.
- 1. If an agency provides professional training to undergraduate or graduate students or interns, it shall have a written plan for their selection, orientation, training, assignment and evaluation.
- 2. An individual with a doctor's degree or a master's degree in social work from a college or university accredited by the Council on Social Work Education shall supervise students or interns who perform child-placing activities. That supervisor shall approve all placement decisions made by the student or intern.
- 3. The agency shall not be dependent upon the use of students or interns to provide required services.

#### PART IV.

#### Foster Care Services.

- 22 VAC 40-130-200. Program statement.
- 22 VAC 40-130-210. Intake.
- 22 VAC 40-130-220. Ongoing services.
- 22 VAC 40-130-230. Narratives, quarterly summaries and service plans in the child's record.
- 22 VAC 40-130-240. Termination of care.
- 22 VAC 40-130-250. Permanent foster care.
- 22 VAC 40-130-260. Independent living arrangement.
- 22 VAC 40-130-270. The foster family.
- 22 VAC 40-130-280. Foster care records.

#### Editor's Note --

The standards in this section shall be met to obtain a license to provide foster care services in Virginia.

NOTE: Individuals or agencies in or out of state, or out of the country may obtain these services legally only from a licensed child-placing agency or local department of social services.

#### 22 VAC 40-130-200. Program statement.

- A. Child-placing agencies shall have a statement describing their services including:
- 1. The purpose of the foster care program;
- 2. An open admissions policy if federal or local social service agency funds are involved.

It shall state that their program is open to all children without regard to race, color, national origin or sex. It shall say also that children with handicapping conditions will be accepted if their needs can be reasonably accommodated.

The statement shall describe the population the agency is prepared to serve.

- 3. A list of the agency's preadmission requirements, an explanation of the fee system, if any, and decision-making procedures for acceptance, placement and termination of care;
- 4. A description of the services provided to children, biological families and foster families;

- 5. A statement of eligibility requirements for foster families;
- 6. A description of the agency's procedures for foster family study and approval including a description of any orientation and training;
- 7. A description of agency policy and procedures for independent living arrangements, if offered; and
  - 8. A description of division of responsibilities and workload of the child-placing staff.
- B. Either the full statement or a summary shall be given to agencies and individuals who inquire about the services provided.
- C. The program statement shall be updated when changes are made in the program, and a copy provided to the licensing representative.

#### 22 VAC 40-130-210. Intake.

A child-placing agency may receive a child through court commitment or from an individual or agency having legal custody.

- A. Authority to place. Before placing a child in foster care, the agency shall have the authority to place based on one of the following:
  - 1. Court commitment;
- 2. Permanent entrustment by the parent or parents, or other person having legal custody; or

NOTE: If it appears that a child may need subsidy in the future, the agency should try to have the child enter care through court commitment. Few children who enter care through permanent entrustment are eligible for IV-E Adoption Assistance (federal subsidy). See 22 VAC 40-130-310 B 2 b Note.

3. Temporary entrustment by the parent or parents or other person having legal custody, or a placement agreement from an agency with legal custody.

The agency shall petition the court for approval of a temporary entrustment within 30 days unless the entrustment is for less than 90 days.

EXCEPTION: An agency licensed as a child-placing agency and certified as a proprietary school for the handicapped by the Department of Education shall not be required to take custody of a child placed in its special education program but shall enter into a placement agreement with the parent or other individual holding custody.

#### B. Intake assessment.

- 1. The assessment shall include items listed in subdivisions 1a through 1d. However, the agency shall collect the information for items listed in subdivisions 1a and 1b before accepting the child for placement. The required items are:
  - a. The reason the placement is requested;
  - b. Current information on the child's
  - (1) Health;
  - (2) Behavior in the home or other living situation; and
- (3) Grade level and adjustment to school, if of school age; or adjustment to day care or nursery school, if any, for preschool children;
  - c. The dates and persons involved in placement visits and staffings;
- d. The reason or reasons the child was accepted and the date the decision was made.
  - 2. The assessment shall be written within 30 days of placement.
- C. Social history. The purpose of the history is to assist in determining the appropriate goal for the child and identify the services needed to reach the goal.
- 1. The study shall be completed within 30 days of placement and include the date it was completed.
- 2. Information shall be collected on the items listed below. If information on an item is not available, the explanation shall be recorded.

- 3. The study shall cover:
  - a. Family structure, relationships and involvement with the child;
  - b. The child's previous placement history, if any;
  - c. The child's developmental and medical history;
  - d. A description of the child's appearance;
- e. Any emotional or psychological problems of the child including strengths and needs;
  - f. The child's school history;
  - g. The education and occupation of parents; and
  - h. Family medical history as it relates to the suitability of the child for placement.
  - 4. The worker shall:
    - a. Recommend long-term goals and intermediate objectives;
    - b. Identify services needed to meet the objectives and goals; and
- c. Make a recommendation as to the type of home best suited to the child. Siblings shall be placed together whenever possible unless it is clearly not in their best interest.
  - 5. When a home is selected, the worker shall explain why it was chosen.
  - D. Physical or dental examinations.
- 1. A child shall have an examination by or under the direction of a licensed physician within the 90 days before placement. The discharge summary from a hospital shall be acceptable for a newborn.

EXCEPTION: The 90-day requirement may be waived if:

a. A report of an examination no more than a year old is available; together with

- b. A report of all medical treatment provided in the interim, and
- c. The child has been in the continuous placement of a public or private agency.
- 2. When a child, accepted in an emergency, has not had an examination within 90 days before placement, he shall have one within 30 days after placement.
- 3. Each child over three years shall have had a dental examination within 12 months before placement or within 60 days after placement.
- E. School enrollment. The agency shall contact school authorities within five days of placement to arrange for the enrollment of each school age child.
- F. Acceptance of a child from another agency. When a child is accepted for placement from another child-placing agency which is retaining custody:
- 1. The receiving agency shall obtain a placement agreement before placing the child. It shall cover the financial and other responsibilities of each agency including the services each agency agrees to provide for the child, the biological family and foster family.
- 2. The agreement shall be signed by a person from each agency who has the authority to commit the agency to the provisions.
- 3. The referring agency which retains custody is required by §§ 16.1-281 and 16.1-282 of the Code of Virginia to send the court service plans for each child in its custody.

The receiving agency shall obtain a copy of the service plan sent to the court or document its efforts to obtain one. It shall develop service plan or plans compatible with the goal or goals in the plan sent to the court.

- G. Acceptance of a child from parent or parents or other individual. When accepting a child for placement from a parent or other individual holding custody, the agency shall:
  - 1. Obtain an entrustment (Exception: See 22 VAC 40-130-210 A 3);
  - 2. Explain the agency's foster care program;
- 3. Collect information for the intake assessment and social history which shall be recorded only under those headings;

- 4. Explain service plan, covering:
  - a. Long-term goals;
  - b. Steps for their accomplishment;
  - c. The case worker's responsibilities;
  - d. The parent or other individual's responsibilities; and
  - e. Date setting for intermediate and long-term goals.

NOTE: Only the client's reactions should be recorded here; elements of the plan should be with the service plan itself.

- H. Service plans in foster care. An agency shall prepare a service plan for each child in its care. The parents shall be consulted unless parental rights have been terminated. Prior custodians or foster parents shall be consulted when appropriate.
  - 1. Service plan requirement when the agency holds custody.
- a. The plan shall be filed with the court within 60 days after the agency receives custody unless:
  - (1) The court grants an additional 60 days, or
  - (2) The child is returned home or placed for adoption within 60 days.
- b. The goal is to provide services that will lead to the child's placement in a permanent situation. Goals in order of priority are:
  - (1) Return to parents or prior custodians;
  - (2) Placement with relatives with planned transfer of custody;
  - (3) Adoptive placement;
  - (4) Permanent foster care; and
  - (5) Continued foster care or placement with relatives without transfer of custody.

- c. Reports to the court are in two parts: A and B.
- (1) Part A, only, shall be used if the goal is to return to the parents or prior custodians. It shall include:
  - (a) The services to be offered to the child and parents;
- (b) The participation to be sought from the parent or parents or prior custodian or custodians;
- (c) Visitation between the child and parent or parents or prior custodian or custodians;
  - (d) The type of placement being provided; and
  - (e) A projected date for the return of the child to the parent or custodian.
- (2) If the agency determines that it is not likely that the child can be returned to the parent or parents or custodian within a reasonable period of time, both Parts A and B shall be used.

#### Part B shall include:

- (a) The reasons the child cannot be returned to the parents or prior custodians;
- (b) The goal selected;

It must be the highest feasible goal. The reasons a higher goal was not selected must be explained.

- (c) A plan for attainment of the selected goal; and
- (d) A projected date for attainment of the goal.
- d. Procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, "Preparing the Service Plan" shall be followed. These procedures are incorporated by reference and made a part of these regulations.

- 2. Service plan requirements when agency does not hold custody.
  - a. The plan shall include:
    - (1) The goal for the child;
    - (2) The services to be offered to the child and parents or prior custodians;
  - (3) The participation to be sought from the parents or prior custodians;
- (4) The type of placement recommended for the child and how it relates to the goal; and
  - (5) The target date for achievement of the goal.
  - b. The plan shall be completed within 60 days of placement.

### 22 VAC 40-130-220. Ongoing services.

#### A. Visitation.

- 1. There shall be a face-to-face contact between the child-placing staff and the child every 30 days during the first year of placement in a foster home.
  - 2. Contacts every 60 days shall be in the placement setting.
- 3. If the child is in the same home after one year, the number of required contacts is still 12 per year but there may be 45 days between any two visits. Alternate required visits shall still be in the placement setting.

#### **EXCEPTIONS:**

- a. At least one face-to-face contact shall be made each quarter with a child in a group care facility.
- b. Visits to children in permanent foster care shall be made at least every six months in accordance with Service Programs Manual, Volume VII, Section III, Chapter B, "Permanent Foster Care Placement."

- c. Youth who cannot meet the requirements for court-approved permanent foster care because they are over 18 but meet all other requirements and have been in a stable placement for a year, shall be visited at least every six months.
- d. Visits to children in out-of-state placements shall be the responsibility of the agency supervising the placement.

#### B. Medical care.

- 1. Frequency of examinations.
  - a. The physician's recommendations for children under one year shall be followed.
  - b. Examinations for children over one year shall be no more than 13 months apart.

If the examining physician recommends it, examinations may be every two years for youths over 18.

- 2. Reports shall be signed by the physician, his designee or an official of the local health department.
- 3. All reports except the discharge summary on a newborn shall include the following when, at the discretion of the physician, they become appropriate to the child's age.
  - a. Immunizations given in the past 13 months or since the last examination;
- b. Current physical condition, including growth and development, visual and auditory acuity, nutritional status, evidence of freedom from tuberculosis in a communicable form, allergies, chronic conditions and handicaps.
- 4. The agency shall arrange for the child to receive recommended follow-up care as well as care for illnesses or injuries.
- 5. The School Entrance Physical Examination of the Department of Health or equivalent may be used to meet the requirements for a medical examination.

#### C. Dental care.

1. Each child over three years shall have a dental examination within 13 months of the last examination and every 13 months after that.

#### PAGE 22 of 51

### VIRGINIA DEPARTMENT OF SOCIAL SERVICES MINIMUM STANDARDS FOR LICENSED PRIVATE CHILD-PLACING AGENCIES 22 VAC 40-130-10 et seq

- 2. The findings shall be signed by a licensed dentist or his designee.
- 3. The agency shall arrange for the child to receive the recommended follow-up care as well as care for injuries or other conditions requiring attention between examinations.
- D. Psychological and psychiatric care. The agency shall arrange for a child to receive psychiatric or psychological services if the need for them has been recommended or identified.

EXCEPTION: If the agency does not follow a recommendation, it shall explain in the record why following the recommendation would not be in the child's best interest.

- E. Clothing. The agency shall see that each child in care has his own supply of clothing for indoor and outdoor wear, suitable to the season.
  - F. Spending money. School-age children shall have an allowance.

# 22 VAC 40-130-230. Narratives, quarterly summaries and service plans in the child's record.

- A. Narratives shall be in chronological order and current within 30 days. Entries may be in narrative form or recorded on a contact sheet. They shall cover:
  - 1. Casework treatment and services provided;
- 2. Contacts with the child, parent or parents, the person or persons or agency holding custody if other than the parent, and collaterals; and
  - 3. Other significant events, if any.
- B. Summaries and service plans shall be made quarterly. The date of the initial service plan is the beginning date of the first quarter.
- 1. The summary for the quarter shall evaluate the progress made in reaching the goal including:
  - a. Problems met and problems still existing or arising; and
  - b. An evaluation of:
  - (1) The services provided the child;

- (2) The participation of the services offered the biological parents, if any;
- (3) The participation of the foster parents; and
- (4) The continued suitability of the goal and termination date.
- 2. The service plan for the next quarter shall cover:
  - a. Any changes recommended in the goal and termination date;
  - b. Services needed for the child and their availability;
- c. Contacts planned with the foster parents, school, biological parent or parents and other relatives; and
  - d. Progress anticipated during the coming quarter.
- 3. The fourth quarterly report shall also address subdivision 2 b, c and d for the next 12 months.

For recording in biological and foster family records, see 22 VAC 40-130-280.

#### 22 VAC 40-130-240. Termination of care.

- A. The closing narrative shall be completed within 30 days of termination and include:
- 1. The reason or reasons for the termination:
- 2. The name or names of persons with whom the child has been placed or to whom he was discharged;
  - 3. Follow-up services, if any, to be provided the child and family or guardian; and
  - 4. A brief statement of what was accomplished while the child was in care; and
  - 5. Recommendations for services if the child is discharged to another agency.
- B. A copy of medical and school records, and birth certificate if the agency holds custody, shall be given to the parents or receiving agency. Information shall be released, to a child who has reached 18 in accordance with § 63.1-209 of the Code of Virginia.

#### 22 VAC 40-130-250. Permanent foster care.

A child-placing agency may place a child in permanent foster care in accordance with § 63.1-206.1 of the Code of Virginia. Agencies shall follow procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, "Permanent Foster Care Placement."

#### 22 VAC 40-130-260. Independent living arrangement.

Any agency may place a child in an independent living arrangement. Procedures in the Service Programs Manual, Volume VII, Section III, Chapter B, "Placing the Child in an Independent Living Arrangement" must be followed.

#### 22 VAC 40-130-270. The foster family.

- A. The foster home study. Information on the items listed below shall be gathered in order to assess whether or not it would be a suitable foster home, and, if so, what types of children would fit into the home.
  - 1. The foster parent or parents shall be at least 18 years old.
- 2. Workers shall see marriage licenses for couples applying to be foster parents. If there have been previous marriages, the worker shall ascertain that divorces from the former spouses are final.

#### 3. Health.

- a. Each permanent member of the household shall obtain a report signed by a physician, his designee or an official of the local health department containing:
  - (1) An evaluation of the current health of the individual;
- (2) A statement that the individual does not have tuberculosis in a communicable form including the date and type or types of test or tests and the results;

If the test is positive or no test is done, there shall be a written explanation by the physician.

(3) An opinion as to whether or not the health of the household member will affect the care of foster children.

- b. Additional tests are not required unless:
- (1) The individual comes in contact with a known case of tuberculosis; or
- (2) Develops chronic respiratory symptoms.

For either of these symptoms, he must be evaluated according to subdivisions 3,a,(2) and 3,a,(3) of this subsection.

c. At the request of the agency or the licensing representative, an examination shall be obtained when there are indications that the safety of the children in care may be jeopardized by the physical or mental health of a household member.

The agency shall plan for the immediate removal of the child or children if the examination reveals that their safety might be in jeopardy.

- 4. Income and financial resources of the foster family shall be sufficient to assure continuing maintenance of the foster family. If there is an amount in the agency's monthly payment above that required for the needs of the child, it may be counted as income.
- 5. Child care if parents are employed. When a single foster parent or both parents are employed, there shall be plans approved by the agency for the care of the child during their absence.
  - 6. CPSIS and Division of Motor Vehicles checks.
- a. Persons applying to be foster parents and other adult members of the household shall consent to a search of the Child Protective Services Central Registry (CPSIS).
- (1) The agency shall use the form provided by the registry and follow the instructions thereon.
- (2) A search must be done for the initial approval and may be repeated if the child-placing staff believes it necessary.
- (3) The home shall not be used if an adult in the household has a founded or unfounded reason to suspect child abuse or neglect record.

NOTE: The Central Registry name is to be changed from CPSIS to CANIS (Child Abuse and Neglect Information System) in the early fall of 1989. The method of judging injury to children is to be changed. Agencies will be sent information on the changes when they occur.

- b. Persons applying to be foster parents shall consent to a check of Department of Motor Vehicles records if the agency thinks it is needed. The agency may require consent to a check after a home is in use if it appears to be needed.
  - 7. Residence and surrounding area.
    - a. The home shall have:
    - (1) A working telephone;
    - (2) Screens on all doors and windows used for ventilation;
    - (3) Some method of ventilation for the rooms where children sleep;
- (4) Closet or drawer space or both for clothing and personal possessions of children over two years;
- (5) Separate beds for each foster child except that two siblings of the same sex may share a double bed;
  - (6) A written plan for evacuation of the home in case of fire.
- (a) The worker shall review the plan during the initial home study and at the time of the reevaluation if the family has moved.
- (b) The foster parents shall review the plan, with any child old enough to understand, within five days of placement. This requirement shall be in the foster home agreement or other document signed by the foster parent.
- b. If the family possesses firearms, they shall be stored in locked cabinets or locked areas not accessible to children. Ammunition shall be stored in a locked place separate from the firearms.

- c. There shall be an assessment of the following based on the worker's observations and discussion with the applicant or applicants:
  - (1) The availability and use of sleeping space;
- (2) The availability of play or recreation areas appropriate for the ages of children to be placed;
  - (3) The availability of study areas if school age children are to be placed;
  - (4) Housekeeping standards; and
  - (5) The neighborhood and the accessibility of applicable community facilities.
  - 8. Interviews with family members.
- a. There shall be a minimum of three face-to-face interviews with each foster parent, including at least one joint interview in the home.
- b. All other members of the household shall be interviewed face-to-face at least once.
  - c. The following areas shall be covered:
  - (1) Each applicant's reasons for and expectations of becoming a foster parent;
- (2) Each applicant's parenting skills, understanding of types of children to be placed, prior experiences with children, attitudes toward natural parents and toward working with the agency;
- (3) The abilities of all members of the household to accept a foster child including their experiences in sharing with and caring for children not related to them;
- (4) The social and academic adjustment of the applicant's children such as peer relationships, grade placement, and school performance;
  - (5) Family relationships including marital;
  - (6) General patterns of family life; and

#### PAGE 28 of 51

### VIRGINIA DEPARTMENT OF SOCIAL SERVICES MINIMUM STANDARDS FOR LICENSED PRIVATE CHILD-PLACING AGENCIES 22 VAC 40-130-10 et seq

NOTE: The purpose of recording the patterns is to assess how a child will fit into the usual routines or activities of the household.

- (7) The applicant's relationships with extended family and friends.
- 9. References. At least three references for the family shall be obtained.
- 10. Worker's recommendations.
- a. The child-placing staff shall recommend approval or disapproval of the home. The date of the action shall be recorded.
  - b. Applicants shall be informed within a week of approval or disapproval.
- c. The worker shall recommend the type, number, age and sex of children that can successfully be cared for in the home. Foster parent or parents preferences shall be taken into consideration.
- 11. The foster home study shall be written and the home approved before a child is placed.
- B. Foster home capacity. The total number of children in the foster home shall not exceed eight including the parent's own children.

EXCEPTION: When placement of a sibling group in one home is in the best interest of the siblings, the total may exceed eight.

- C. Services and requirements following approval.
- 1. The agency shall have a plan of orientation for each newly approved foster family.
- 2. The agency shall provide the foster family with written procedures for handling emergencies during and outside the agency's regular office hours.
- 3. Prior to placement the family shall be assisted to make an informed decision as to whether a particular child is appropriate for them.
- 4. The agency shall have a written foster home agreement with the family for each child in care.

- a. The agreement shall be signed on or before the date the child is placed in the home.
  - b. The agreement shall include:
  - (1) The payment for foster care;
  - (2) Payment for other expenses;
  - (3) Arrangements for medical care;
  - (4) Arrangements for the provision of clothing;
  - (5) Arrangements for spending money for the child;
  - (6) Arrangements for visits by parents;
- (7) An agreement not to use corporal punishment or give others permission to do so;

EXCEPTION: If the agency prefers, it may substitute a written policy statement containing the prohibition which foster parent or parents shall sign saying they have read and will follow to the best of their ability.

If a statement is substituted, it needs to be signed only at the time of the first placement. It shall state that it applies to any child placed by the agency.

- (8) A clear statement that the agency has the right to remove the child when it considers it in the child's best interest; and
- (9) A statement that the foster family has the right to receive the support and assistance of agency staff at all times in relation to the child's care in the home.
- D. Re-evaluation of foster homes. The agency shall re-evaluate the foster home after one year and every two years after that covering the topics in the initial home study.

The re-evaluation shall take place in the home. The visit shall be made when both parents can be present. The re-evaluation may be done at the time of one of the regular home visits.

NOTE: A form may be used to indicate those areas in which there has been no change. The same form may be used to note changes that have occurred and to cover items listed in subdivisions 1 through 5 of this subsection providing there is space for an explanation.

The re-evaluation shall also cover:

- 1. A brief description of the adjustment of each child placed in the home since the last evaluation;
  - 2. An evaluation of the performance of the foster parents addressing:
    - a. Their ability to relate to the children;
    - b. Their ability to help children reach their goals;
    - c. Skills in working with particular types of problems, and
    - d. Their ability to work with the agency in meeting the needs of a child.
- 3. The relationship between the children and the family members. Family members shall be mentioned by name but may be listed together if one statement applies to all;
- 4. The stability of the home and any problems or significant changes that have occurred in the family since the last evaluation; and
- 5. Worker's recommendations regarding continued use of the home, and age, sex, types and number of children which home can handle successfully.

#### 22 VAC 40-130-280. Foster care records.

The agency shall maintain a record for the child, the biological family and the foster family. The biological family record may be a part of the child's record.

- A. The child's record. The record shall include:
- 1. A face sheet completed within five working days of placement, with the following information:
- a. For the child: birth date, place of birth, sex and race and source of this information;

- b. For the biological parents: full names, address or addresses, telephone numbers, if available, and marital status;
  - c. For siblings: names, and addresses, if available;
- d. Names, addresses and telephone numbers of person or persons or agency holding custody; and
  - e. Names and telephone numbers of persons to be contacted in an emergency, and
  - 2. Other material pertaining to a child in foster care as required by this chapter.
  - B. The biological parent's record. The record shall contain:
  - 1. A face sheet with the following information:
    - a. Names, addresses and marital status of the biological parents;
- b. Members of the biological family and their whereabouts with addresses and telephone numbers when available; and
  - c. Cross-references to the child's record.
- 2. A chronological narrative or summary of contacts with and services provided to the family. It shall include visits of the parents with the child and visits, or attempts to visit, with the parents.
  - 3. Material relating to biological parents as required by this chapter.
  - C. The foster home record. The record shall contain:
- 1. A face sheet listing all members of the household and their relationship to the foster parents;
  - 2. The agency application for foster parents;
  - 3. A record of orientation and training provided to the foster parents;

NOTE: a form listing the training offered by the agency may be filed in the record. When the parent or parents complete a course, the date may be entered on the form.

- 4. A narrative account of the preparation of the family for each child placed with them;
- 5. A list of the children placed including names, birth date or age, dates of placement and removal and reasons for removal;
  - 6. Copies of all foster home agreements;
  - . 7. Other material required for foster home studies by this chapter;
    - 8. Re-evaluation of the foster home, and
    - 9. When applicable, date and reason for closure.

#### PART V.

### Adoption Services.

- 22 VAC 40-130-290. Program statement.
- 22 VAC 40-130-300. Intake.
- 22 VAC 40-130-310. Temporary foster care prior to adoption for children under one year.
- 22 VAC 40-130-320. Items to be considered when selecting an adoptive home.
- 22 VAC 40-130-330. Direct placement in adoptive home.
- 22 VAC 40-130-340. Placement of children over one year.
- 22 VAC 40-130-350. Agency responsibility after child is placed in the adoptive home.
- 22 VAC 40-130-360. Provisions for children with special needs.
- 22 VAC 40-130-370. Involuntary termination of parental rights.
- 22 VAC 40-130-380. Interlocutory orders.
- 22 VAC 40-130-390. Agency fees.
- 22 VAC 40-130-400. The adoptive home study.
- 22 VAC 40-130-410. Direct parental placement services.
- 22 VAC 40-130-420. Adoption records.

#### Editor's Note --

The standards in Part V shall be met to obtain a license to provide adoption services in Virginia.

NOTE: Individuals or agencies, in or out of the Commonwealth or out of the country, may obtain these services legally only from a licensed child-placing agency or local department of social services.

### 22 VAC 40-130-290. Program statement.

- A. Child-placing agencies shall have a statement describing their services including:
- 1. The purpose of the adoption program;
- 2. An open admissions policy if federal or local social service agency funds are involved.

It shall state that the program is open to all children without regard to race, color, national origin or sex. It shall say also that children with handicapping conditions will be accepted if their needs can be reasonably accommodated.

The statement shall describe the population to be served.

- 3. Qualifications for adoptive families;
- 4. A description of the study, approval and selection process for adoptive families including orientation and training offered by the agency and policy regarding fees;
- 5. A list of services provided to children, biological families and adoptive families prior to the final order of adoption;
- 6. A list of services provided after the final order, either directly or by referrals to adopted children and families;
  - 7. A description of services provided to adult adopted persons; and
  - 8. A description of the responsibilities and workload of agency staff.
- B. The program statement or a summary shall be given to agencies or individuals who ask about the services of the agency.
  - C. A copy shall accompany the initial application for a license.
- D. The program statement shall be updated when changes are made and a copy sent to the licensing representative.

#### 22 VAC 40-130-300. Intake.

A. Services to biological parents contemplating placing their child for adoption.

- 1. While parents may have decided to place their child for adoption before coming to the agency, counseling sessions shall be offered to assure that:
  - a. The decision was not made under duress; and
  - b. The decision is firm.
  - 2. Alternatives to adoptive placement shall be discussed including:
- a. Services to help the family stay together if it is in the best interest of both the child and the family;
  - b. Temporary foster care; and
  - c. Placement with relatives.
  - 3. Additional counseling sessions shall be offered as needed.
- 4. If either of the parents was not offered counseling, the worker shall record the reason or reasons.
  - 5. Agency adoption services shall be explained.
- 6. If the parents choose adoption, the agency shall secure a termination of parental rights in accordance with termination procedures in The Service Programs Manual, Volume VII, Section III, Chapter B, "How Parental Rights are Terminated."
- B. Authority to place. The agency shall have the authority to place a child either in a foster or adoptive home.
  - 1. An agency may place a child in a foster home with:
    - a. A court commitment;
- b. A permanent entrustment by the parent or parents or other person holding custody, or
- c. A temporary entrustment by the parent or parents or other person holding custody;

The agency shall petition the court for approval of a temporary entrustment within 30 days unless the entrustment is for less than 90 days.

- d. A placement agreement from an agency holding custody.
- 2. To place a child for adoption, an agency shall have:
  - a. A permanent commitment with termination of parental rights from the court; or
  - b. A permanent entrustment by the parent or other person holding custody;

NOTE: A child coming into care through permanent entrustment is eligible for federal subsidy (Title IV-E, Adoption Assistance) if:

- (1) The court finds that remaining in the home would be contrary to the welfare of the child, and
- (2) The child has been living with the parent or parents within six months of the initiation of court proceedings.

The agency should consult with the local departments of social services to determine whether other relatives would be acceptable.

In order to conserve state funds, agencies should do everything possible to make a child eligible for IV-E if he or she is likely to need subsidy. Permanently entrusted children who are not eligible for subsidy are, however, eligible for state subsidy. State and local funds pay for the same needs and services for the child.

or

c. Transfer of custody from another agency. Agency transfer requires court approval.

#### 22 VAC 40-130-310. Temporary foster care prior to adoption for children under one year.

- A. The foster home. The foster home shall be approved under the provisions of 22 VAC 40-130-270. The foster home agreement shall be signed by the agency and foster parents.
- B. Intake assessment. The agency shall collect the following information before accepting the child for placement:

- 1. The reason the placement is requested, and a brief report on his living situation or situations if he did not come directly from the hospital.
  - 2. Current information on the child's health:
- a. The hospital discharge summary is an acceptable admission examination for a newborn.
- b. If a child has not come directly from the hospital, the hospital summary and a report of interim care, signed by the physician shall be obtained. The report shall be no more than 30 days old. The absence of abnormalities shall be noted or the presence of abnormalities noted and explained on the report.
  - 3. In addition, the assessment shall cover:
    - a. Dates and persons involved in placement visits and staffing; and
- b. The reason or reasons the child was accepted and the date the decision was made
  - 4. The assessment shall be completed within 30 days of placement.
- C. Social history. The purpose of the history is to assist in the determination of the most suitable adoptive home for the child.

If some item of information is not available, the reason shall be recorded.

- 1. The history shall cover:
  - a. The reasons for and the goal of the foster home placement;
  - b. The physical appearance of the child and of both parents if available;
  - c. The child's parents' nationality, race and religion;
- d. The child's parents', siblings', aunts', uncles' and grandparents' medical and psychiatric history as it relates to the selection of a suitable home for the child;
- e. The education and occupation of the child's parents, siblings, aunts, uncles and grandparents; and

- f. The expected length of placement in foster care.
- 2. The social history shall be completed within 30 days after placement in the foster home and include the date it was completed.
- 3. The worker shall describe the type of adoptive home that appears to be best for the child.
- D. Visitation. The case worker shall have a face-to-face contact with the child every 30 days. Visits every 60 days shall be in the foster home.
  - E. The worker shall see that the child has an adequate supply of clothing.
  - F. Continuing contact with parent or parents.
- 1. Parents shall be included in service planning, including goal setting, until or unless rights are terminated.
- 2. If parental rights are terminated, and the parents request it, the agency shall arrange continuing services, either directly or by referral.
- G. Service plans in foster care. If the agency holds custody it shall file a foster care plan with the court within 60 days unless the child is returned home or placed for adoption within that time. (See 22 VAC 40-130-220 H.)
- H. For narrative, quarterly reports and termination of care, see 22 VAC 40-130-240 and 22 VAC 40-130-250.

## 22 VAC 40-130-320. Items to be considered when selecting an adoptive home.

- A. Siblings shall be placed together unless it clearly is not in the best interest of the children. Reasons for separation shall be explained in the record.
- B. Consideration shall be given to placing children with families of the same racial or cultural or religious identity; however, no one or all of these factors shall be determinative since the best interest of the child shall always be paramount.
- C. Foster parents shall be considered a primary adoptive resource when that is considered in the best interest of the child.

NOTE: Section 63.1-221 of the Code of Virginia has the following provision: When a foster parent who has a child placed by an agency wishes to adopt the child and the child has been in the home at least 18 months, the foster parent may petition the court directly for permission to adopt.

- D. The ages of the adoptive parents in relation to the age of the child shall be considered in determining the best interest of the child.
- E. The agency may consider the recommendations of a physician, an attorney licensed in the Commonwealth, or a clergyman who is familiar with the situation of the proposed adoptive parents only as provided in § 63.1-204 C 1 of the Code of Virginia.

### 22 VAC 40-130-330. Direct placement in adoptive home.

- A. If a child is placed in the adoptive home before he is 25 days old or before the child is legally free for adoption, a statement acknowledging this shall be signed by the prospective adoptive parents and filed in the child's record.
- B. Such a placement shall be recognized as a foster home placement and a foster home agreement signed by the agency and foster parents.
  - C. The adoptive placement agreement shall not be signed until the child is legally free.

### 22 VAC 40-130-340. Placement of children over one year.

The provisions of Part IV (22 VAC 40-130-200 et seq.) are applicable when placing children over one year of age in foster care prior to adoption. When selecting an adoptive home, items in 22 VAC 40-130-320 shall be considered. In addition, an older child's concerns about adoption shall be taken into account.

### 22 VAC 40-130-350. Agency responsibility after child is placed in the adoptive home.

A. The agency shall ensure that supervisory visits are made in compliance with §§ 63.1-228 and 63.1-229 of the Code of Virginia, or according to the laws of the state in which the final order of adoption is issued.

The Code of Virginia stipulates that the child shall have lived in the adoptive home continuously for a period of six months before the petition for the final order is filed with the court. A minimum of three visits shall be made during a period of six months with at least 90 days between the first and last visits.

- B. The agency shall maintain contact with the family until the final order is entered. If conditions warrant, it shall proceed to remove the child in accordance with the provisions of § 63.1-211.1 of the Code of Virginia.
  - C. The agency is legally responsible for the child until the final order is entered.

#### 22 VAC 40-130-360. Provisions for children with special needs.

- A. Referral to AREVA (Adoption Resource Exchange of Virginia).
- 1. Special needs children who are legally free for adoption shall be registered with AREVA within the time frames set by service programs.
  - 2. Families willing to accept special needs children shall be registered also.
- 3. Agencies shall follow procedures in the Service Programs Manual, Volume VII, Section III, Chapter C, "Adoption Resource Exchange of Virginia."
  - B. Subsidy.
- 1. Subsidy payments shall be provided for a special needs child determined eligible for subsidy.

NOTE: A special needs child is not eligible for subsidy until reasonable efforts have been made to find an appropriate home without subsidy. However, in some cases such as where the child has developed significant emotional ties with the prospective adoptive parents while in their care as a foster child, efforts to find another home are not required.

"Reasonable efforts" are defined in the Service Programs Manual, Volume VII, Section III, Chapter C, "Subsidized Adoption."

- 2. Agencies shall follow service programs procedures and work with their local department of social services to secure a subsidy.
- 3. Refer to 22 VAC 40-130-300 B 2 b for the explanation of the effect of permanent entrustment on eligibility for subsidy.

C. Services for children after final order. When an agency places a child in its custody in an adoptive home and the child has longstanding mental or physical problems, the agency shall make arrangements for services after the final order. This may be through continued agency services or referral to some other resource such as another agency, a post-adoption counseling group or resources for medical or psychiatric services.

### 22 VAC 40-130-370. Involuntary termination of parental rights.

When a child has been in the custody of a licensed child-placing agency for 12 months, the court may terminate parental rights if it finds that the parent or parents have been unable or unwilling to remedy the conditions that led to the placement.

- 1. If the agency elects to take the case to court for an adjudication, the agency shall submit a plan for finding a permanent placement for the child.
- 2. The agency shall follow the procedures in the Service Program Manual, Volume VII, Section III, Chapter B, "Terminating Parental Rights."

### 22 VAC 40-130-380. Interlocutory orders.

- A. While agencies are legally responsible for a child placed in an adoptive home until the final order, an agency may issue its consent to an interlocutory order if a determination is made that:
- 1. The adoptive parent or parents are financially able to care for the child (subsidy funds may be counted in the assessment where appropriate);
  - 2. The adoptive parent or parents are suitable persons to care for the child;
- 3. A home visit made at least 30 days after placement and any other contacts provide evidence that the child and family are making a positive adjustment to each other; and
- 4. The best interest of the child is served by entering an interlocutory order rather than waiting until the end of the visitation period.
- B. A notarized statement shall accompany the order stating that the agency will assume legal responsibility if the placement disrupts before the final order.
- C. The child shall be visited at least three times in the six months following the interlocutory order with not less than 90 days between the first and last visits.

D. The agency shall continue to count the child in determining agency caseload capacity until the final order is entered.

#### 22 VAC 40-130-390. Agency fees.

If the agency requires fees from adoptive applicants, it shall attach an explanation of agency policy to the license renewal application. The explanation shall cover the amounts charged, how the figures were arrived at, and what services are to be provided for the fees.

If a new agency plans to charge fees, an explanation of the proposed policy shall accompany the application for a license.

Fees shall be discussed with applicants before or at the start of the home study. Applicants shall be given an explanation of:

- 1. The amount they must pay and when and how payments are to be made;
- 2. How the amount is determined and what services it covers; and
- 3. The agency refund policy if any.

#### 22 VAC 40-130-400. The adoptive home study.

- A. Information on the items below shall be gathered in order to assess the applicant's or applicants' capacities as adoptive parent or parents. If the home is approved, the information is also used to determine the type of child that can successfully be placed in the home.
  - B. Interviews with family and household members.
- 1. There shall be a minimum of three face-to-face interviews with the adoptive applicant or applicants. At least one interview with a couple shall be joint and one shall take place in the home.
- 2. All members of the household shall be interviewed as well as children of each adoptive parent living outside the home.

Information may be requested by telephone or letter if the child is over 18 and lives more than 50 miles from the parents' home.

- 3. If the required contacts with children living outside the home should not or could not be made, the reasons shall be taken into consideration in the assessment of the home.
  - C. Subjects to be covered in interviews with the applicants shall include:
  - 1. A description of:
    - a. The home and surrounding area; and
    - b. The physical appearance of the applicant or applicants.
  - 2. A discussion of the family covering:
- a. The compatibility of the couple and stability of the marriage in relation to its length;
- b. The relationships with other household members and children in the home, if any;
  - c. Physical and mental health history;
- d. The interests and activities of family members, including a judgment as to whether or not the general patterns of family life will accommodate a child;
  - e. Extended family, social and community relationships;
  - f. Childhood or family life experiences of adoptive applicant or applicants;
  - g. The place of religion in family life; and
  - h. Income and financial resources in relation to expenses.
  - 3. The family in relation to adoptions:
    - a. The applicant's or applicants' motivation for and expectations of adoption;
    - b. Experiences of the applicant or applicants with children;
    - c. Attitudes and opinions about discipline of children;

- d. Attitudes toward biological parents;
- e. Attitudes about periodic contact with parent or parents or prior custodians for older children (open adoption);
- f. The age and type of child desired and the age or ages of the applicant or applicants in relation to the child; and
- g. The attitude toward adoption of family and extended family members, especially natural children living outside the home.
- 4. A discussion of agency services before and after adoption if family is interested in a special needs child.
  - D. Information from other sources.
  - 1. A minimum of three references for the family shall be obtained.
- 2. A report of a recent medical examination of all members of the household shall be obtained. It shall report on both mental and physical health and be signed by the physician. If difficulties are noted, specialists in the appropriate field shall be consulted.
- 3. Adoptive applicants shall consent to a search of the Child Protective Services Central Registry (CPSIS).
- a. The agency shall use the form provided by the registry and follow the instructions thereon.
- b. The home shall not be used if an applicant has a founded or unfounded reason to suspect child abuse or neglect record.
- NOTE: The Central Registry name is to be changed from CPSIS to CANIS (Child Abuse and Neglect Information System) in the early fall of 1989. The method of judging injury to children is to be changed. Agencies will be sent information on the changes when they occur.
- 4. If an agency believes it is needed, it may, in addition, require consent to check Division of Motor Vehicle records.

- 5. The worker shall see the marriage license for couples. If there has been a previous marriage, the worker shall ascertain that the divorce is final to make sure there is a valid marriage.
- 6. If a single adoptive applicant is divorced, the worker shall ascertain that the divorce is final to avoid legal difficulties with the adoption.
- 7. Employment shall be verified by pay stub or other written evidence, personal knowledge of an agency staff member or interview with the employer.
  - E. Approval or disapproval.
  - 1. The worker shall recommend approval or disapproval.
- 2. If approval is recommended, the worker shall recommend the age, sex, special characteristics and number of children that could successfully be nurtured.

The adoptive parent's or parents' preferences shall be considered in reaching the recommendations.

- 3. The applicant or applicants shall be informed in writing within a week of the approval or disapproval and offered an interview to have the agency's decision explained to them.
- F. The selection of the child for the adoptive family shall be in the best interests of the child and is the responsibility of the agency. The reasons for selecting the specific home for the child shall be stated.

The adoptive parents have the right to full factual information about the child and the child's birth family except for identifying information.

The prospective family shall, however, be permitted to decide whether or not a child is suitable for them. Refusal of a child shall not be the sole basis for excluding a family from consideration for another child.

- G. The adoptive placement agreement. The agreement shall include:
- 1. The agency's responsibilities until final order is entered;
- 2. The adoptive family's responsibilities until final order is entered;

- 3. The statement that the agency is legally responsible for the child until the final order and may, with the sanction of the court, remove the child if it is necessary for the child's well being; and
- 4. A statement of services to be provided after the final order, if any have been agreed upon.
- H. Corporal punishment. The agency shall have a written statement prohibiting corporal punishment which the adoptive parent or parents shall sign saying they have read and will follow to the best of their ability.
  - I. Re-evaluations.
- 1. When 12 months have elapsed after completion of the original home study and the agency is contemplating placing a child, a reevaluation shall be made which includes:
  - a. A visit to the home;
  - b. Face-to-face interviews with all members of the household; and
  - c. Updated medical reports.
- 2. When subsequent adoptive placements are considered, the agency shall reevaluate the home covering all areas of the original study.

Concrete areas such as house or neighborhood which have not changed may be noted on a form.

At least one home visit shall be made with all household members present except for members out of the home for extended periods.

# 22 VAC 40-130-410. Direct parental placement services.

If an agency chooses to provide direct parental placement services, it shall do so in accordance with §§ 63.1-220.3 through 63.1-220.5 and 63.1-238.01 and 63.1-238.02 of the Code of Virginia.

### 22 VAC 40-130-420. Adoption records.

- A. The agency shall maintain a case record for each child, the biological family and the adoptive family. The biological family record may be a part of the child's record.
  - B. The child's record. The record shall include:
- 1. Identifying information including birth date, place of birth, sex, race, height, weight, hair color, eye color and identifying marks;
  - 2. The legal documents required for adoption;
- 3. A record in the narrative dictation of the child's and family's preparation for the placement; and
  - 4. Other information required in this chapter.
  - C. The biological family's record. The record shall include:
- 1. Identifying information including, names, addresses, telephone numbers and marital status of the parents;
  - 2. A narrative of contacts; and
  - 3. Other information required by this chapter.
  - D. The adoptive family record. The record shall contain:
  - 1. The agency application;
- 2. A copy of any written information given to the adoptive parent or parents.concerning the child;
  - 3. Summaries of supervisory visits and closing summary; and
  - 4. Other information required by this chapter.

#### PART VI.

#### Interstate Placements.

22 VAC 40-130-430. Interstate compacts.

22 VAC 40-130-440. Procedures.

22 VAC 40-130-450. Out-of-state child.

## 22 VAC 40-130-430. Interstate compacts.

A child-placing agency shall comply with the Interstate Compact on the Placement of Children before sending a child out of state or receiving a child into the Commonwealth for foster care or adoption.

The procedures to be followed are in the Service Programs Manual, Volume VII, Section III, Chapter E.

### 22 VAC 40-130-440. Procedures.

If an agency does an adoptive home study before a child has been identified, the Interstate Compact Office is not involved. However, the agency shall:

- 1. Inform the potential adoptive parent or parents that the placement of an out-of-state child must go through the compact office; and
  - 2. Attach a statement to the home study explaining the requirement.

### 22 VAC 40-130-450. Out-of-state child.

If a Virginia agency is asked to supervise the placement of an out-of-state child, it must have notification of compact approval of the placement before proceeding. The placing agency is responsible for obtaining compact approval.

#### PART VII.

#### REPORTS.

22 VAC 40-130-460. General.

22 VAC 40-130-470. Death of a child.

22 VAC 40-130-480. Abuse or neglect, or both.

#### 22 VAC 40-130-460. General. .

Agencies shall keep records and make reports as required by the Department of Social Services pursuant to § 63.1-203 of the Code of Virginia. Reports include the criteria listed in 22 VAC 40-130-470 and 22 VAC 40-130-480.

#### 22 VAC 40-130-470. Death of a child.

The agency shall:

- 1. Notify the parent or parents or guardian of the child immediately; and
- 2. Notify the licensing representative within 48 hours.

A written report of the circumstances shall be made to the licensing representative within seven days of the death.

### 22 VAC 40-130-480. Abuse or neglect, or both.

The agency shall:

- 1. Immediately notify the appropriate local department of social services of all complaints or suspected cases of abuse and neglect of a child;
  - 2. Cooperate with the local department in its investigation of the complaint;
- 3. Make its own investigation of each complaint to determine whether or not its policies and procedures have been violated; and
- 4. Report the results of its investigation to the licensing representative within 90 days of receipt of the complaint.

#### PART VIII.

#### Case Record Requirements.

- 22 VAC 40-130-490. Inspection.
- 22 VAC 40-130-500. Storage.
- 22 VAC 40-130-510. Confidentiality.
- 22 VAC 40-130-520. Entries in case records.
- 22 VAC 40-130-530. Evidence of compliance.
- 22 VAC 40-130-540. Retention of records.
- 22 VAC 40-130-550. Disclosure of information.

#### 22 VAC 40-130-490. Inspection.

The agency shall provide licensing representatives reasonable opportunity to inspect all facilities, books and records related to the child-placing program.

## 22 VAC 40-130-500. Storage.

Active and closed case records shall be kept in locked, metal files. They shall be systematically filed.

#### 22 VAC 40-130-510. Confidentiality.

Case records are confidential.

#### 22 VAC 40-130-520. Entries in case records.

- A. All entries shall be dated. They shall indicate who performed the service and be signed or initialed.
- B. If an agency has offices in more than one state, the record shall identify the office which provided the service.

### 22 VAC 40-130-530. Evidence of compliance.

To be in compliance with a standard:

1. There shall be written evidence that the requirement has been met;

- 2. It shall be completed by the required date if a time limit is specified in the standard; and
- 3. It must be filed in the appropriate record within 30 days unless otherwise specified in this chapter.
- NOTE: Whenever possible, information shall be recorded in the appropriate place and not repeated elsewhere.

#### 22 VAC 40-130-540. Retention of records.

- A. Upon entry of a final order of adoption or other final disposition of a matter involving adoption, all reports and collateral information shall be forwarded to the commissioner.
- B. The agency shall retain a copy of the child's subsidy record as long as the child receives a subsidy.
- C. If a child has been united with his biological family before reaching majority, case records shall be retained until one year after his 21st birthday.
- D. Records shall be retained permanently for any children who have not been adopted nor reunited with their families.
- E. When an agency ceases to operate, it shall inform the department in writing of the location for the retention of its records.

### 22 VAC 40-130-550. Disclosure of information.

- A. If a child has reached his majority without being adopted, information shall be revealed to him according to the provisions of § 63.1-209 of the Code of Virginia.
- B. Information concerning children who have been legally adopted shall be revealed to them only according to the provisions of § 63.1-236 of the Code of Virginia.

### PAGE 51 of 51

VIRGINIA DEPARTMENT OF SOCIAL SERVICES MINIMUM STANDARDS FOR LICENSED PRIVATE CHILD-PLACING AGENCIES 22 VAC 40-130-10 et seq

### **FORMS**

Application for License for Private Child Placing Agencies.

## Documents Incorporated by Reference

Service Programs Manual, Volume VII, Section III, Chapter B, Virginia Department of Social Services.

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